

**IN THE UNITED STATES DISTRICT COURT OF THE
SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: DIGITEK
PRODUCTS LIABILITY LITIGATION**

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

PLAINTIFFS' REPORT REGARDING PRETRIAL ORDER #7

Plaintiffs have identified five multi-plaintiff actions that meet the Court's requirements for severance as set forth in Pretrial Order # 7.¹ These actions include:

1. 2:08-cv-01002, Elwood Bull and Robert Blue, individually and on behalf of all others similarly situated v. Actavis Group, Actavis Totowa, LLC, Mylan Pharmaceuticals, Inc., Mylan Bertek Pharmaceuticals, Inc., and UDL Laboratories, Inc.
2. 2:08-cv-01017, Kevin Clark and Willie Mae Wilburn, individually and on behalf of all others similarly situated v. Actavis Group, hf., Actavis Totowa, LLC (formerly known as Amide Pharmaceutical, Inc.), Actavis Inc., Actavis Elizabeth, LLC, Actavis US, Mylan, Inc., Mylan Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Bertek Pharmaceuticals, Inc., and UDL Laboratories, Inc..
3. 2:08-cv-01071, Anthony Harris and Stephen B. Love, individually and on behalf of all others similarly situated v. Actavis Totowa, LLC (formerly known as Amide Pharmaceutical, Inc.), Actavis Inc., Actavis Elizabeth LLC, Actavis US, Mylan, Inc., Mylan Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Bertek Pharmaceuticals, Inc., and UDL Laboratories, Inc.
4. 2:08-cv-01075, Michael Pasken, Marie Kever, and Dale Campbell, individually, and on behalf of all others similarly situated v. Actavis Group hf., Actavis Totowa, LLC, Actavis Inc., Actavis Elizabeth, LLC, Actavis US, Mylan, Inc., Mylan Pharmaceuticals, Inc., Mylan Laboratories Inc., Mylan Bertek Pharmaceuticals Inc., and UDL Laboratories, Inc.
5. 2:08-cv-01107, James E. Freeman and Fayard Lambert, Sr., individually and on behalf of all others similarly situated v. Actavis Group, Actavis Totowa, LLC, Mylan Pharmaceuticals, Inc., Mylan Bertek Pharmaceuticals, Inc. and UDL Laboratories, Inc.

¹ Plaintiffs viewed the complaints for all cases, for the relevant time period, that were included in the "MDL 1968 In Re Digitek List of Cases" posted on the Court's website and all cases associated with MDL 1968 on Pacer-CM/ECF.

All of the above actions are styled as class actions and have multiple class representatives. On behalf of the Plaintiffs' Steering Committee, the undersigned propose that these claims be continued with multiple class representatives until class certification issues are addressed and determined by the Court to ascertain suitability and typicality of the class representatives' claims. If the Court is not inclined to delay severance as requested, the undersigned request that prior to issuing its order severing the class representative claims, that the Court allow further briefing and argument.

In strict compliance with this Honorable Court's Order, Plaintiffs have attached a Proposed Severance Order as Exhibit 1. Plaintiffs have also attached the required list of documents for each multi-plaintiff action and a corresponding docket report for the Court's convenience. The documents are attached as follows: Exhibit 2: *Bull et al v. Actavis Group et al* Document List; Exhibit 3: *Bull et al v. Actavis Group et al* Docket Report; Exhibit 4: *Clark et al v. Actavis Group HF et al* Document List; Exhibit 5: *Clark et al v. Actavis Group hf et al* Docket Report; Exhibit 6: *Harris et al v. Actavis Totowa LLC et al* Document List; Exhibit 7: *Harris et al v. Actavis Totowa LLC et al* Docket Report; Exhibit 8: *Pasken, et al. v. Actavis Group hf et al* Document List; Exhibit 9: *Pasken, et al. v. Actavis Group hf et al* Docket Report; Exhibit 10: *Freeman et al v. Actavis Group et al* Document List; and Exhibit 11: *Freeman et al v. Actavis Group et al* Docket Report.

Respectfully submitted this 31st day of January, 2008.

s/ Fred Thompson, III, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2008, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will automatically send notification of such filing to all attorneys of record.

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Dated: December 31, 2008